

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS**

**ELAINE JACKSON, as next friend of
CHEIKH JACKSON and OKOFO
JACKSON, and DEWAYNE
CHARLESTON;**

Plaintiffs,

vs.

WALLER INDEPENDENT SCHOOL DISTRICT;

Defendant.

~~~~~

**Case No. 07-3086**

## DECLARATION OF STACEY NEUMANN VU

1. My name is Stacey Neumann Vu. I am counsel for Defendant Waller Independent School District in the above-referenced action.
2. Attached as Exhibit A is a true and correct copy of the Unofficial Cumulative Report and Precinct Reports from the May 10, 2008 Waller ISD Board of Trustees Election.
3. Attached as Exhibit B is a true and correct copy of an election flyer that I understand was distributed to students at Prairie View A&M University.
4. Attached as Exhibit C is a true and correct copy of e-mail correspondence between Ty Clevenger to Pat Mizell dated May 13, 2008 discussing the flyer attached as Exhibit B.
5. I hereby declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

DATED: May 22, 2008.

Stacey Vin

Stacey Neumann Vu

# Exhibit A

# **Cumulative Report — Unofficial** **Waller, Texas — Waller ISD Board of Trustees Election — May 10, 2008**

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Total Number of Voters : 1,317 of 39,996 = 3.29%

05/12/2008 03:10 PM  
Precincts Reporting 4 of 4 = 100.00%

| Party                                  | Candidate            | Early      | Election   | Total        |
|----------------------------------------|----------------------|------------|------------|--------------|
| <b>Trustee, Position 1, Vote For 1</b> |                      |            |            |              |
|                                        | Jeremiah Richards    | 116 13.02% | 44 10.43%  | 160 12.20%   |
|                                        | David A. Kirkpatrick | 775 86.98% | 376 89.52% | 1,151 87.80% |
| <hr/>                                  |                      |            |            |              |
|                                        | <b>Cast Votes:</b>   | 891 99.66% | 420 99.26% | 1,311 99.54% |
|                                        | <b>Over Votes:</b>   | 0 0.00%    | 0 0.00%    | 0 0.00%      |
|                                        | <b>Under Votes:</b>  | 3 0.34%    | 3 0.71%    | 6 0.46%      |
| <hr/>                                  |                      |            |            |              |
| <b>Trustee, Position 2, Vote For 1</b> |                      |            |            |              |
|                                        | Shaun P. Nelson      | 761 85.60% | 337 81.40% | 1,098 84.27% |
|                                        | Charli Cooksey       | 128 14.40% | 77 18.60%  | 205 15.73%   |
| <hr/>                                  |                      |            |            |              |
|                                        | <b>Cast Votes:</b>   | 889 99.44% | 414 97.87% | 1,303 98.94% |
|                                        | <b>Over Votes:</b>   | 0 0.00%    | 0 0.00%    | 0 0.00%      |
|                                        | <b>Under Votes:</b>  | 5 0.56%    | 9 2.13%    | 14 1.06%     |

# **Precinct Report — Unofficial** **Waller, Texas — Waller ISD Board of Trustees Election — May 10, 2008**

Total Number of Voters : 1,317 of 39,996 = 3.29%

Page 1 of 4

05/12/2008 03:11 PM  
Precincts Reporting 4 of 4 = 100.00%

| Party                                             | Candidate            | Early  | Election | Total  |
|---------------------------------------------------|----------------------|--------|----------|--------|
| <b>Precinct 1-Junior High (Ballots Cast: 624)</b> |                      |        |          |        |
| <b>Trustee, Position 1, Vote For 1</b>            |                      |        |          |        |
|                                                   | Jemian Richards      | 4      | 5        | 9      |
|                                                   | David A. Kirkpatrick | 424    | 180      | 614    |
|                                                   |                      | 98.07% | 2.56%    | 1.44%  |
| <b>Cast Votes:</b>                                |                      |        |          |        |
|                                                   |                      | 428    | 195      | 623    |
|                                                   |                      | 98.77% | 100.00%  | 99.84% |
| <b>Over Votes:</b>                                |                      |        |          |        |
|                                                   |                      | 0      | 0        | 0      |
|                                                   |                      | 0.00%  | 0.00%    | 0.00%  |
| <b>Under Votes:</b>                               |                      |        |          |        |
|                                                   |                      | 1      | 0        | 1      |
|                                                   |                      | 0.23%  | 0.00%    | 0.16%  |
| <b>Trustee, Position 2, Vote For 1</b>            |                      |        |          |        |
|                                                   | Shaun P. Nelson      | 419    | 184      | 603    |
|                                                   | Charli Cooksey       | 9      | 9        | 18     |
|                                                   |                      | 97.90% | 95.34%   | 97.10% |
|                                                   |                      | 2.10%  | 4.66%    | 2.90%  |
| <b>Cast Votes:</b>                                |                      |        |          |        |
|                                                   |                      | 428    | 193      | 621    |
|                                                   |                      | 98.77% | 98.97%   | 99.52% |
| <b>Over Votes:</b>                                |                      |        |          |        |
|                                                   |                      | 0      | 0        | 0      |
|                                                   |                      | 0.00%  | 0.00%    | 0.00%  |
| <b>Under Votes:</b>                               |                      |        |          |        |
|                                                   |                      | 1      | 2        | 3      |
|                                                   |                      | 0.23%  | 1.03%    | 0.48%  |

# **Precinct Report — Unofficial** **Waller, Texas — Waller ISD Board of Trustees Election — May 10, 2008**

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Total Number of Voters : 1,317 of 39,996 = 3.29%

05/12/2008 03:11 PM  
Precincts Reporting 4 of 4 = 100.00%

| Party                                          | Candidate            | Early | Election | Total |
|------------------------------------------------|----------------------|-------|----------|-------|
| <b>Precinct 2 Comm Ctr (Ballots Cast: 310)</b> |                      |       |          |       |
| <b>Trustee, Position 1, Vote For 1</b>         |                      |       |          |       |
|                                                | Jemian Richards      | 110   | 36       | 146   |
|                                                | David A. Kirkpatrick | 80    | 80       | 160   |
| Cast Votes:                                    |                      | 190   | 116      | 306   |
| Over Votes:                                    |                      | 0     | 0        | 0     |
| Under Votes:                                   |                      | 1     | 3        | 4     |
| <b>Trustee, Position 2, Vote For 1</b>         |                      |       |          |       |
|                                                | Shaun P. Nelson      | 75    | 55       | 130   |
|                                                | Charli Cooksey       | 112   | 57       | 169   |
| Cast Votes:                                    |                      | 187   | 112      | 299   |
| Over Votes:                                    |                      | 0     | 0        | 0     |
| Under Votes:                                   |                      | 4     | 7        | 11    |

**Precinct Report — Unofficial**  
**Waller, Texas — Waller ISD Board of Trustees Election — May 10, 2008**

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Total Number of Voters : 1,317 of 39,996 = 3.29%

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 Precincts Reporting 4 of 4 = 100.00%

| Party                                            | Candidate            | Early   | Election | Total   |
|--------------------------------------------------|----------------------|---------|----------|---------|
| <b>Precinct 3 Roberts Rd (Ballots Cast: 126)</b> |                      |         |          |         |
| <b>Trustee, Position 1, Vote For 1</b>           |                      |         |          |         |
|                                                  | Jemiah Richards      | 2       | 0        | 2       |
|                                                  | David A. Kirkpatrick | 98      | 26       | 124     |
|                                                  |                      | 2.00%   | 0.00%    | 1.59%   |
|                                                  |                      | 98.00%  | 100.00%  | 98.41%  |
|                                                  | <b>Cast Votes:</b>   | 100     | 26       | 126     |
|                                                  |                      | 100.00% | 100.00%  | 100.00% |
|                                                  | <b>Over Votes:</b>   | 0       | 0        | 0       |
|                                                  |                      | 0.00%   | 0.00%    | 0.00%   |
|                                                  | <b>Under Votes:</b>  | 0       | 0        | 0       |
|                                                  |                      | 0.00%   | 0.00%    | 0.00%   |
| <b>Trustee, Position 2, Vote For 1</b>           |                      |         |          |         |
|                                                  | Shaun P. Nelson      | 94      | 26       | 120     |
|                                                  | Charli Cooksey       | 6       | 0        | 6       |
|                                                  |                      | 84.00%  | 100.00%  | 95.24%  |
|                                                  |                      | 6.00%   | 0.00%    | 4.76%   |
|                                                  | <b>Cast Votes:</b>   | 100     | 26       | 126     |
|                                                  |                      | 100.00% | 100.00%  | 100.00% |
|                                                  | <b>Over Votes:</b>   | 0       | 0        | 0       |
|                                                  |                      | 0.00%   | 0.00%    | 0.00%   |
|                                                  | <b>Under Votes:</b>  | 0       | 0        | 0       |
|                                                  |                      | 0.00%   | 0.00%    | 0.00%   |

**Precinct Report — Unofficial**  
**Waller, Texas — Waller ISD Board of Trustees Election — May 10, 2008**

Total Number of Voters : 1,317 of 39,996 = 3.29%

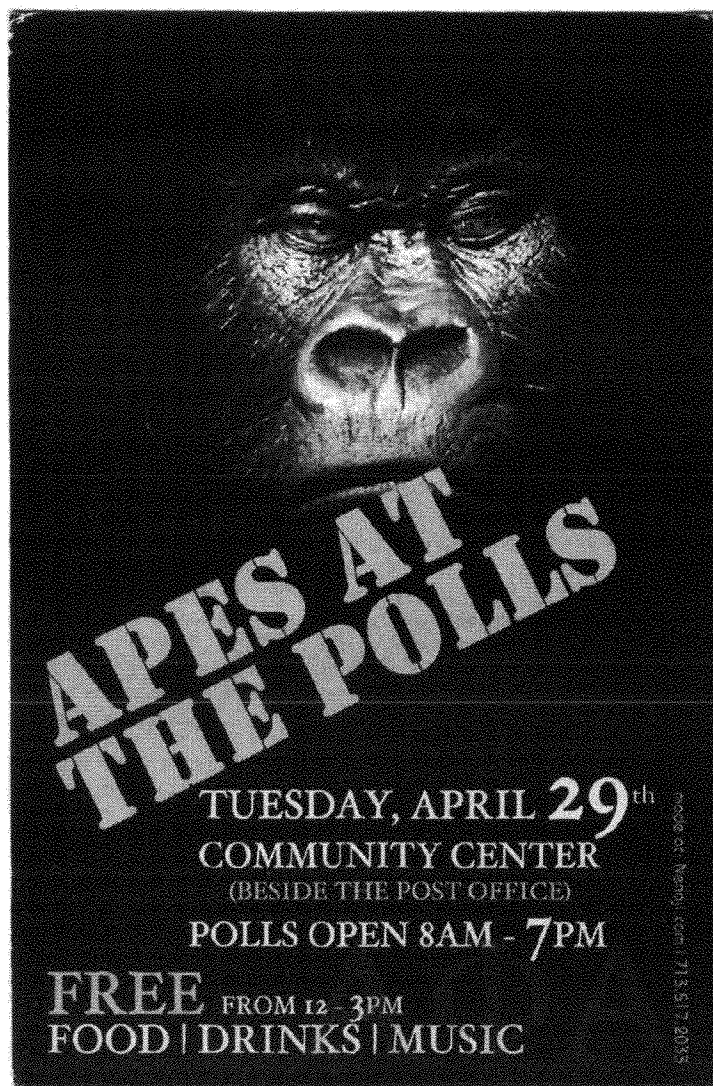
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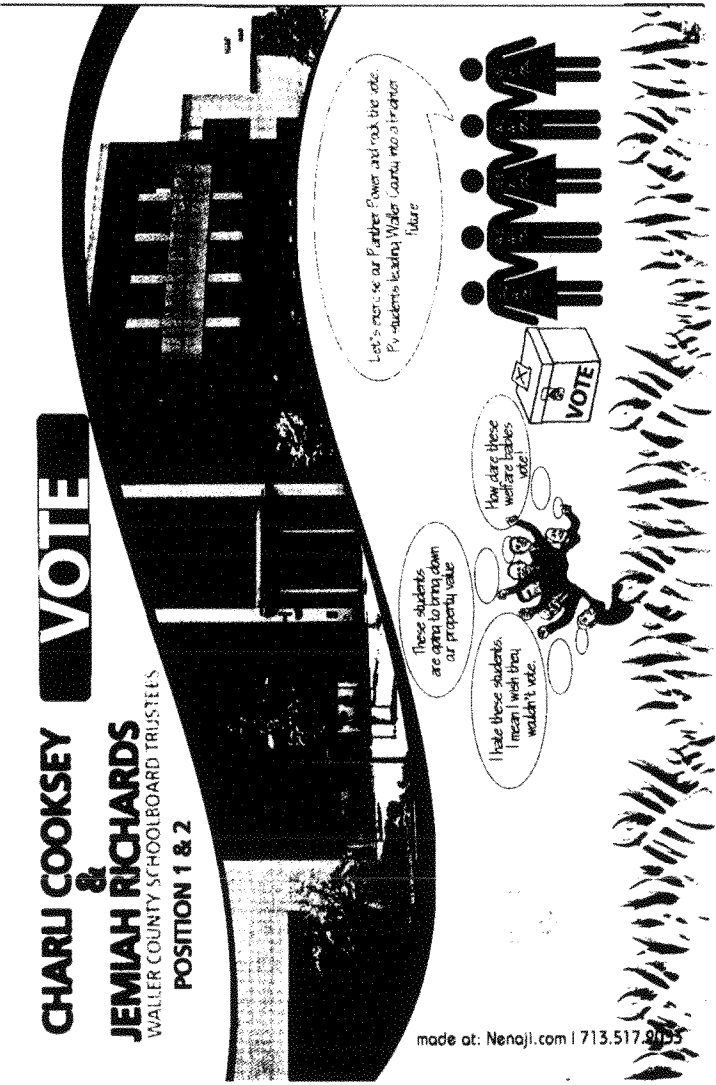
05/12/2008 03:11 PM  
 Precincts Reporting 4 of 4 = 100.00%

| Party                                              | Candidate            | Early   | Election | Total   |
|----------------------------------------------------|----------------------|---------|----------|---------|
| <b>Precinct 4 Fields Store (Ballots Cast: 257)</b> |                      |         |          |         |
| <b>Trustee, Position 1, Vote For 1</b>             |                      |         |          |         |
|                                                    | Jemiah Richards      | 0       | 3        | 3       |
|                                                    | David A. Kirkpatrick | 173     | 80       | 253     |
|                                                    |                      | 100.00% | 96.39%   | 98.83%  |
|                                                    | <b>Cast Votes:</b>   | 173     | 83       | 256     |
|                                                    |                      | 98.43%  | 100.00%  | 99.61%  |
|                                                    | <b>Over Votes:</b>   | 0       | 0        | 0       |
|                                                    |                      | 0.00%   | 0.00%    | 0.00%   |
|                                                    | <b>Under Votes:</b>  | 1       | 0        | 1       |
|                                                    |                      | 0.57%   | 0.00%    | 0.39%   |
| <b>Trustee, Position 2, Vote For 1</b>             |                      |         |          |         |
|                                                    | Shaun P. Nelson      | 173     | 72       | 245     |
|                                                    | Charli Cooksey       | 1       | 11       | 12      |
|                                                    |                      | 99.43%  | 86.75%   | 95.33%  |
|                                                    |                      | 0.57%   | 13.25%   | 4.67%   |
|                                                    | <b>Cast Votes:</b>   | 174     | 83       | 257     |
|                                                    |                      | 100.00% | 100.00%  | 100.00% |
|                                                    | <b>Over Votes:</b>   | 0       | 0        | 0       |
|                                                    |                      | 0.00%   | 0.00%    | 0.00%   |
|                                                    | <b>Under Votes:</b>  | 0       | 0        | 0       |
|                                                    |                      | 0.00%   | 0.00%    | 0.00%   |

# Exhibit B







# Exhibit C

**Vu, Stacey**

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**From:** Ty Clevenger [tyclevenger@yahoo.com]  
**Sent:** Tuesday, May 13, 2008 8:44 PM  
**To:** Mizell, Pat; Sylvia Cedillo  
**Cc:** Vu, Stacey; Mehta, Persis  
**Subject:** Re: Results and pushcard

Mr. Charleston has no comment on the flyer. Do you have any election-day results that are broken down by polling site? As I understand the attachment you sent, the only site-specific results are the early voting results.

----- Original Message -----

From: "Mizell, Pat" <pmizell@velaw.com>  
To: Ty Clevenger <tyclevenger@yahoo.com>; Sylvia Cedillo <sylviacedillo@yahoo.com>  
Cc: "Vu, Stacey" <svu@velaw.com>; "Mehta, Persis" <pmehta@velaw.com>  
Sent: Tuesday, May 13, 2008 2:58:26 PM  
Subject: Results and pushcard

Attached are the results. Also attached is a flyer, please confirm that Dewayne Charleston published it, or it was published at his direction.

**Patrick W. Mizell**

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1001 Fannin Street, Suite 2500  
Houston, TX 77002-6760  
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Thank You.

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5/21/2008